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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVARISTO GOMEZ,

Defendant.

CASE NO. 1:20-CR-00123-DAD-BAM

STIPULATION TO VACATE STATUS
CONFERENCE, SET CHANGE OF PLEA, AND
EXCLUDE TIME UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: March 23, 2022
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows.

1. By previous order, this matter was set for status on March 23, 2022.
2. By this stipulation, the parties now move to vacate the status conference, set a change of plea on April 18, 2022, and to exclude time between March 23, 2022, and April 18, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for defendant desires additional time to review discovery, discuss with her client the proposed resolution in this case, prepare for the change of plea hearing, and begin

1 to prepare for sentencing.

2 c) Counsel for defendant believe that failure to grant the above-requested
3 continuance would deny her the reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence.

5 d) The government does not object to the continuance.

6 e) Based on the above-stated findings, the ends of justice served by continuing the
7 case as requested outweigh the interest of the public and the defendant in a trial within the
8 original date prescribed by the Speedy Trial Act.

9 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of March 23, 2022 to April 18, 2022,
11 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
12 because it results from a continuance granted by the Court at defendant's request on the basis of
13 the Court's finding that the ends of justice served by taking such action outweigh the best interest
14 of the public and the defendant in a speedy trial.

15 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
16 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
17 must commence.

18 IT IS SO STIPULATED.

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20 Dated: March 16, 2022

PHILLIP A. TALBERT
United States Attorney

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22 /s/ LAURA D. WITHERS
23 LAURA D. WITHERS
Assistant United States Attorney

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25
26 Dated: March 16, 2022

/s/ Melissa Baloian
MELISSA BALOIAN
Counsel for Defendant
EVARISTO GOMEZ

ORDER

IT IS SO ORDERED that the status conference set for March 23, 2022, is vacated. A change of plea hearing is set for **April 18, 2022, at 9:00 a.m. before District Judge Dale A. Drozd.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **March 16, 2022**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE